

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive Section 8 HCV assistance, the family must submit an application that provides the PHA with the information needed to determine the family's eligibility. HUD requires the PHA to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, the PHA must select families from the waiting list in accordance with HUD requirements and PHA policies as stated in the administrative plan and the annual plan.

The PHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, selecting families from the waiting list and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the PHA to receive preferential treatment. Funding earmarked exclusively for families with particular characteristics may also alter the order in which families are served.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that the PHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and PHA policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide the PHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that the PHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide the PHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the PHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits the PHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by the PHA.

PHA Policy

Depending upon the length of time that applicants may need to wait to receive assistance, the PHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the PHA initially will require families to provide only the information needed to place the family on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may obtain application forms from the PHA's office during normal business hours. Families may also request – by telephone or by mail – that a form be sent to the family via first class mail. Applications are available on the PHA's website.

Completed applications must be returned to the PHA by mail or submitted in person during normal business hours. Applications must be complete in order to be accepted by the PHA for processing. At a minimum the following information must be received for an application to be considered complete.

1. Applicant name and address.
2. Number of members in household.
3. Current housing situation.
4. Social Security Number for the applicant only. A SSN is required to ensure that duplicate applications are not entered onto the waiting list

Incomplete, photocopied, E-mailed or faxed applications will not be accepted. The PHA is not responsible for material that is illegible or missing as a result of transmitting by Fax or E-mail or lost/delayed through the mail.

If an application is incomplete, the PHA will notify the family of the additional information required if an address has been provided.

If the waiting list is closed, a corrected application will not be accepted unless the applicant can demonstrate mitigating circumstances.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]

The PHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard PHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). The PHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the PHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of the PHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the PHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The PHA must review each complete application received and make a preliminary assessment of the family's eligibility. The PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

PHA Policy

If the PHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the PHA will send written notification of the ineligibility determination within 15 business days of receiving a complete application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

PHA Policy

Each month the PHA will send written notice of placement on the waiting list to all new HCVP applicants whose complete pre-applications were received in the previous month. For example, letters must be sent by February 15th for pre-applications received in January. The letter must include, at a minimum, the following information:

- date and time pre-application was received
- program(s) applied for
- an estimate of the wait time based on average agency turnover
- notice of the applicant's obligation to provide a current mailing address
- Circumstances under which names will be removed from the waiting list.
- Information about the singles preference.

RAAs must enter pre-applications and mail letters promptly.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the date and time their complete application is received by the PHA.

The application will be part of the permanent file. Applications may be scanned and kept in an imaging file in which case the original paper application may be destroyed. Neither RAAs nor DHCD will provide applicants with their number on the waiting list. Upon

request, RAAs must provide applicants with an estimate of the wait time based on its average agency turnover. RAAs are strongly encouraged to establish a recorded message which effectively communicates this information to applicants.

See Exhibit 4- 1: sample letter - notice of placement on the waiting list.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The PHA must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how a PHA may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

The PHA's HCV waiting list must be organized in such a manner to allow the PHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size (for PBV only);
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

HUD requires the PHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

PHA Policy

The PHA will maintain a separate waiting list for each region within the Commonwealth of Massachusetts.

Regional Designation

Regional designation is automatically assigned when an applicant's data is first entered into the waiting list. The regional designation is based on the mailing address provided in the pre-application. The regional designation places the applicant on one of the regional waiting lists. Applicants residing out of state are not entitled to a regional residency preference and are assigned a regional designation of zero.

Change in Regional Designation

After the regional designation initial has been assigned it may be changed only for three reasons: 1) change of address; 2) employment out of region; or 3) if the applicant resides in a shelter at the time of application. A change of regional designation may either increase or decrease an applicant's waiting time depending upon the number of applicants in that region, the number of vouchers allocated to that region, and participant turnover. When an applicants submits a change of address the regional designation is not changed

automatically by the RAA. The applicant must request the change in writing and accompanied by proper verification as described below.

Change of Address

An applicant may change their regional designation if they have moved to a community that is in a different region from where they applied. The applicant must provide verification of residence at the new address such as a current utility bill.

Work Location

An applicant may change their regional designation if the community in which they work is in a different region than where they reside. The applicant must provide verification of employment in the region such as a current pay stub or a statement from the employer.

Applicants in Shelter

An applicant residing in a shelter may change their regional designation to the region of their last permanent residence, if different. No evidence of residence will be required for the initial change; however, if subsequent changes are requested, verification will be required.

Regional Special Programs

Certain special programs are not administered statewide. If an RAA receives a referral for a regional project-based special program other than PBV DHCD must be consulted.

Waiting List Partnerships

DHCD is willing to partner with local housing authorities to extend the benefits of its statewide waiting list to applicants and PHAs throughout the Commonwealth. Procedures will be articulated in a Memorandum of Understanding signed by the participating agencies.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the PHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

HUD permits, but does not require, that PHAs maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

PHA Policy

The PHA will not merge the HCV waiting list with the waiting list for any other non-HCV program the PHA operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

A PHA is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, the PHA may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

PHA Policy

DHCD may choose to close its waiting list at any time. There is no HUD requirement for a public notice to close the waiting list.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until the PHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

PHA Policy

On March 27, 2000, DHCD opened its waiting list with the intention that it will remain open indefinitely.

The PHA will announce the reopening of the waiting list at least 15 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

Each PHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to: a newspaper of general circulation and regionally appropriate minority newspapers. PHAs also disseminate information through use of web sites, bulletin boards, newsletters, and outreach to other housing and service providers in their jurisdiction, including agencies which serve individuals with disabilities.

If the waiting list is closed, and all applicants within an PHA administrative area have been exhausted, the PHA will open the list in a limited manner accepting applications only from applicants that reside or work in that region.

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

The PHA must conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires the PHA to serve a specified percentage of extremely low income families (see Chapter 4, Part III), the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

PHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

PHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

PHA Policy

The PHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the PHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

PHA Policy

While the family is on the waiting list, the family must immediately inform the PHA of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing. Applicants should not rely on forwarding orders with the post office.

If a family on the waiting list submits a subsequent application, the record will be updated to reflect the information provided in the most recent application.

The PHA will not provide notice that an address or other change was received and processed.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list.

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates because of the family member's disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c) (2)].

PHA Policy

The waiting list will be updated at least biennially to ensure that all applicants and applicant information is current and timely. Due to the size of the list, only the oldest segments will be updated.

To update the waiting list, the PHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the PHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person or by mail. Responses should be postmarked or received by the PHA by the date specified on the update request. A response time will be a minimum of 30 days from the date of the PHA letter.

If the family fails to respond within the established response time, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, this will be used as proof that the applicant has moved without notice and the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 30 days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the PHA may reinstate the family if s/he determines the lack of response was due to PHA error, or to circumstances beyond the family's control.

Reinstatement to waiting list

Applicants that have been removed from the waiting list for failure to respond to a written notice may request reinstatement of their application for a period of 12 months following the deadline for response. The PHA shall reinstate the application if the applicant has no previous history or failure to respond to written notices. The PHA may reinstate the application even with previous history of non-response if:

1. There is evidence that the applicant never received the notice; e.g., letter was returned as undeliverable but applicant has remained at that address.
2. There is evidence of PHA error.
3. The PHA determines that circumstances beyond the applicant's control prevented timely response to the notice: e.g., death in the family or hospitalization, or
4. There is evidence that the applicant is now able to complete the application process in a timely fashion; e.g. now has a case manager or other support services that will assist the applicant in the application process.

No applications will be reinstated after 12 months from a deadline to respond, unless the PHA determines that the applicant's failure to respond is caused by documented PHA error.

At the discretion of the PHA an applicant that has been removed from the list for failure to respond to a written request may be reinstated as a reasonable accommodation without limitation or if mitigating circumstances can be proven and the request is made within a reasonable period of time

Reinstated applicants will be selected on the same timeline as other applications with the same preference and the same date of application if funds are available. However, all applications in progress as of the date of reinstatement shall have priority for funding over the reinstated application, even if they were submitted after the reinstated application's initial date of application. If funds are not available at the time of reinstatement after all applications in progress are offered a voucher, the reinstated application shall remain on the top of the waiting list until such time as vouchers are available for applications with the same or later dates of initial application.

The PHA does not accept responsibility for mail delays and/or nonreceipt by the applicant.

Removal from the Waiting List

PHA Policy

If at any time an applicant family is on the waiting list, the PHA determines that the family is not eligible for assistance (see Chapter 3); the family will be removed from the waiting list.

If a family is removed from the waiting list because the PHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding the PHA's decision (see Chapter 16) [24 CFR 982.201(f)].

PHAs will remove names of applicants:

- That do not respond to a written request for information or updates;
- That have become a participant in any of the PHA's HCV programs;
- If correspondence to the applicant is returned by the Postal Service for any reason.

In these instances the PHA is not required to make any further effort to contact the applicant. An informal review is not required to be offered.

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families receive assistance from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences that the family qualifies for. The source of HCV funding also may affect the order in which families are selected from the waiting list.

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, the PHA may admit families that are not on the waiting list, or without considering the family's position on the waiting list. The PHA must maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award a PHA funding for a specified category of families on the waiting list. The PHA must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

PHA Policy

The PHA administers the following types of targeted funding:

FUP, VASH, VHP, HOP, MS, DSG and WTW (JOBLink).

Separate regional waiting lists are maintained for all targeted programs; except VASH, however not all are administered statewide.

Applicants for these programs must meet additional, specific, eligibility requirements. For most targeted programs, applicants are referred by agencies that provide services to the targeted population. These applicant referrals are placed on the specific targeted program waiting list and the applicant is placed on the regular HCV waiting list if it is open. When a family cannot establish basic program eligibility at the time of application, the provider agency is prohibited from making a referral and/or the PHA will refuse to accept the referral. For example, a referral to the Family Unification program (FUP) will not be placed on the waiting list unless DSS verifies that the applicant has an open DSS case.

Due to the limited allocation for these targeted programs, DHCD may limit the number of applicants that are placed on its waiting list. DHCD has established a limit of 25 applicants per RAA for each of the FUP, MS and GPASHP programs.

If the PHA decides not to place the applicant on the special program waiting list for a reason other than the limits specified above, they must notify the family in writing of the reason and offer an informal review.

If admissions decisions are made by the provider agency, that agency is responsible for conducting the informal review or to provide the applicant with a comparable process.

See Chapter 18 for more information on DHCD's targeted programs.

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

PHA Policy

The PHA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.

Regional Residency Preference

A regional residency preference will be applied to all applicants. The residency preference areas are the administrative areas of DHCD's RAAs. An administrative area may include more than one of DHCD's contracting areas.

After applicants are regionally ranked, all local preferences will be treated equally.

Single Applicants

Single applicants, defined as a household with only one member, must be either elderly or a person with disabilities to receive assistance. Use of the term "single" in this context does not refer to marital status. Upon selection from the waiting list, an applicant that is a one-member household and is not elderly or a person with disabilities will be denied assistance. Because of the structure and length of DHCD's waiting list it is no longer practical to skip singles that do not meet this selection preference.

The PHAs selection letter must describe the implications of being a one-member household that is not elderly or a person with a disability upon program eligibility.

One member households that are neither elderly nor disabled may occupy project-based single room occupancy (SRO and ESRO) units under the project-based voucher program. (See Section XX).

Extremely Low-Income Applicants (less than 30% of area median)

In accordance with HUD's targeting requirements, 75 percent of annual admissions must be extremely low-income families.

Very Low-Income Applicants (between 30-50% of area median)

Must meet one of the following three conditions:

- **Substandard Housing:** Applicants living in substandard housing, including those who are homeless

- **Involuntary Displacement:** Applicants who have been or will be involuntarily displaced and have not found standard, permanent replacement housing including those displaced by: disaster; government action; action of housing owner; domestic violence; fear of reprisals; hate crimes; or inability to use critical elements of the unit.
- **Rent Burden:** Applicants paying 50% or more of their monthly income for rent and utilities.

The issuance of vouchers to applicants not on the waiting list pursuant to federal regulation; e.g., to participants in the Section 8 Moderate Rehabilitation program that are required to move or to participants opting-out of a DHCD PBV unit is a regulatory requirement and is therefore not a local preference.

Very-Low Income Preference Criteria and Verification Requirements

Preference: Homeless or Substandard Housing

To be eligible for this preference either (a) or (b) below must apply.

HOMELESS

An applicant is considered homeless if the applicant:

- (a) Lacks a fixed, regular, and adequate nighttime residence and has a primary nighttime residence that is:

A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing); or

An institution in which they have been residents for more than 30 consecutive days and no subsequent residences have been identified and they lack the resources and support networks needed to obtain access to housing; or

A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

OR:

- (b) Meets all three of the following criteria:

The family is in imminent danger of losing housing, or has lost housing and is temporarily doubled up, and

Due to the health or environmental needs of the family there is no appropriate temporary shelter, and

Placement in another setting would endanger the health or safety of the family or the occupants of the shelter.

Health or environmental needs of this type could apply to individuals with demanding medical needs, including: the elderly, the terminally ill, and individuals denied access to shelters due to a life-threatening illness or the need for a barrier-free environment.

Generally, transitional housing is considered by HUD to be of maximum 24-month duration. If an applicant is in transitional housing for a longer period, they must provide the PHA with the following additional information: 1) an explanation as to why they have been in transitional housing for an extended period; and 2) an explanation of when and under what circumstances they will lose the transitional housing. Using this information, the PHA will make a determination as to the applicant's homeless status.

DHCD considers group homes to be permanent housing; therefore, where an applicant living in a group home: 1) is not in danger of losing housing, and 2) would remain in place, and 3) where the primary change would be in the state or federal agency that is paying for the housing assistance, the applicant is not considered to meet a DHCD preference and may not be considered homeless. However, an applicant subject to eviction from a group home due to "turning 22" is considered to be "involuntarily displaced." (See Section 7 for more information on special housing types)

The Massachusetts Alternative Housing Voucher Program (AHVP) is defined as a transitional housing program. Therefore, AHVP participants meet this preference.

Verification Requirements for Preference: Homeless

Homeless applicants who meet the criteria described in section (a) must provide certification of homeless status from a public or private facility that provides shelter for such households, or from the local police department or social service agency.

Applicants who are homeless due to residing in a transitional housing program must provide a letter from the transitional program's sponsoring agency documenting the applicant's participation and readiness to maintain an independent tenancy. If an applicant reaches the top of the waiting list prior to completing the transitional program they will be frozen upon selection from the waiting list until such time as they successfully complete the program or choose to leave the program. The applicant will then be issued the next available voucher if they are eligible.

Homeless applicants who meet the criteria described in section (b), those without housing or at risk of homelessness for health related reasons, must provide the following:

- Documentation from an appropriate source (e.g. present or prior landlord, unit or agency of government, social service agency) that the applicant is in imminent danger of losing housing, or has lost housing and is temporarily doubled up; and
- Documentation from a physician or other licensed health professional that placement in another setting, such as a temporary shelter, would endanger the health or safety of the applicant or the occupants of the shelter. This documentation is not required for admission to the TBRA AIDS program (see Chapter X).

If homelessness is due to fire, and a member of the household caused or contributed to the fire due to negligence or an intentional act, the family is not eligible for a preference.

SUBSTANDARD HOUSING

An applicant is living in substandard housing if the unit:

- Is dilapidated;
- Does not have operable indoor plumbing;
- Does not have a usable flush toilet inside the unit for the exclusive use of the family;
- Does not have a usable shower or bathtub inside the unit for the exclusive use of the family;
- Does not have electricity or has inadequate or unsafe electrical service;
- Does not have a safe or adequate source of heat;
- Should, but does not have a kitchen; or
- Has been declared unfit for habitation by an agency or unit of government.

For purposes of meeting substandard criteria, “dilapidated” means the unit does not provide safe and adequate shelter, and in its present condition endangers the health, safety or well-being of a family, or the unit has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure. The presence of lead paint in a building does not cause it to meet the definition of substandard housing.

Verification Requirements for Preference: Substandard Housing

Applicants living in substandard housing must provide certification from a unit or agency of government that the applicant's unit has one or more of the deficiencies listed above or the unit's condition is as described above.

Preference: Involuntary Displacement

To be eligible for this preference either (a) or (b) below must apply.

(a) The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing; OR,

(b) The applicant will be involuntarily displaced within no more than six months from the date of preference status certification by the family or verification by the PHA.

Standard, permanent replacement housing is housing that: 1) is decent, safe, and sanitary, 2) is adequate for the family size, and, 3) the family is occupying pursuant to a lease or occupancy agreement. If a family that was involuntarily displaced has temporarily moved in with others in an overcrowded unit, the family is still considered displaced.

To be eligible for this preference, the involuntary displacement must affect the entire household occupying the affected unit, except for those applying under the category “displacement by domestic violence” or “displacement by inaccessibility of unit.”

Verification requirements applicable to all involuntary displaced categories.

In all cases, except for displacement due to inaccessibility of unit or by natural disaster, applicants must provide proof of residency in the affected unit for six continuous months as evidenced by bank statements, school records, bills, receipt of government benefits, rent receipts, copy of lease(s) or lease agreement(s), canceled checks, utility bills, or other relevant documentation that establishes residency. The PHA may waive this requirement on a case-by-case basis.

An applicant is involuntarily displaced if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

- Displacement by disaster
- An applicant's unit is uninhabitable because of a disaster, such as a fire or flood.

If homelessness is due to fire, and a member of the household caused or contributed to the fire due to negligence or an intentional act, the family is not eligible for a preference.

Verification Requirements

Certification from a unit or agency of government that an applicant has been displaced as a result of a disaster, such as a fire or flood, that has rendered the unit uninhabitable.

Displacement by government action

Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or public improvement or development program.

Verification Requirements

Certification from a unit or agency of government that an applicant has been or will be displaced by government action, as defined above.

Displacement by action of housing owner

Action by an owner that forces the applicant to vacate its unit.

An applicant qualifies under this category when: 1) the applicant cannot control or prevent the owner's action; 2) the owner action occurs although the applicant met all previously imposed conditions of occupancy; and 3) the owner action is other than a rent increase.

Examples include but are not limited to the following:

- Conversion of an applicant's housing unit to non-rental or non-residential use;
- Closing of an applicant's housing unit for rehabilitation or for any other reason;
- Notice to an applicant that the applicant must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;

- Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or
- Any other legally authorized act that results or will result in the withdrawal by the owner of the unit or structure from the rental market.

A family evicted for a lease violation does not qualify for this preference.

Verification Requirements

Certification from an owner or owner's agent that an applicant had to, or will have to vacate a unit by a date certain because of an owner action referred to above.

Displacement by domestic violence

For the purposes of this section, “domestic violence” means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant’s household.

An applicant is involuntarily displaced by domestic violence if:

- The applicant has vacated a housing unit because of domestic violence; or
- The applicant lives in a housing unit with a person who engages in domestic violence.
- If the applicant is still living in the unit at the time of selection, the violence must have occurred within six months or be of a continuing nature.

Verification Requirements

Certification of the domestic violence and/or displacement because of domestic violence as described above, from the local police department, social service agency, court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.

If approved for assistance, the applicant must certify that the person who engaged in such violence will not reside with the applicant family unless the PHA has given advance written approval. The PHA agency may deny or terminate assistance to the family for breach of this certification.

[Sample letter]

I, _____ certify that _____
(insert name of former abuser) will not reside with my family and me unless
_____ (housing agency) gives advance written approval.

I understand that if _____ (insert name of former abuser)
returns to my household _____ (housing agency) may deny or
terminate my Section 8 assistance.

I also understand that if (insert name of former abuser)
_____ returns to my household and if I do not report this
change in household composition immediately then _____ (housing
agency) may terminate my Section 8 assistance for violation of program requirements.

Signed this day of _____ - under the pains and penalties of
perjury.

Tenant/Head of Household (date)

Program Representative (date)

All decisions to terminate assistance or to allow the abuser to return to the household will be made on a case-by-case basis by the PHA and DHCD in consultation with the Massachusetts Department of Social Services Domestic Violence Unit or their designee.

Displacement to avoid reprisals

To qualify for this preference, the reprisal need not be life threatening.

An applicant is involuntarily displaced if:

Family member(s) provided information of criminal activities to a law enforcement agency, AND

Based on a threat assessment, the law enforcement agency recommends rehousing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

Verification Requirements

The District Attorney's Office must certify, in writing, that a member of the applicant household has or is cooperating with an investigation and is currently at risk of reprisal for providing such information; therefore, the DA's Office recommends relocation.

Displacement by hate crimes

For the purposes of this section a "hate crime" is defined as actual or threatened violence or intimidation against a person or the person's property because of race, color, religion, sex, national origin, handicap or familial status.

An applicant is involuntarily displaced if:

A family member is a hate crime victim; AND

The applicant has vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

If the applicant is still living in the unit at the time of selection, the crime must have occurred within six months or be of a continuing nature.

Verification Requirements

The applicant must provide written verification from the Police Department that a member of the household has been a victim of a reported hate crime. The statement should contain the approximate number of occurrences and the date of last occurrence

In addition to the police report, the applicant must provide a letter from the owner that the family resided in the unit.

Applicants still residing in the unit where the crime occurred must provide a statement that the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

Displacement by inaccessibility of unit

An applicant is involuntarily displaced if:

A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit; and

The owner is not legally obligated to make changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.

For more information on reasonable accommodation please refer to Section 504 of the Rehabilitation Act of 1973, Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act), the Americans With Disabilities Act, 24 CFR Part 8, and PIH Notice 99-52.

Verification Requirements

A licensed medical practitioner must certify that a member of the applicant's family has a mobility or other impairment that makes the person unable to use specific and critical elements of the unit and that the specific accommodation requested would allow the applicant to use that critical element of the unit.

Also, the owner must certify that the tenant has requested certain modifications to the unit; that the critical elements of the unit are as described by the applicant; and that the owner is not legally obligated to make the changes requested.

In instances where an owner will not cooperate in certifying to the unit's condition, but all other documentation is acceptable, the PHA should write to the owner requesting their cooperation and allow the owner 14 days to respond. If no response is received, the PHA should consider the applicant eligible for this preference.

Displacement because of HUD disposition of multifamily project

Involuntary displacement includes displacement because of disposition of a multifamily rental housing project under Section 203 of the Housing and Community Development Amendments of 1978.

Verification Requirements

HUD must provide certification of displacement.

Preference: Rent Burden

Applicants paying 50% or more of their family's monthly income toward their rent and utility costs for 90 days or more.

The following definitions apply when reviewing applicants for this preference:

"Family Income" is the gross monthly income of the household (defined in accordance with 24 CFR Part 5 as it applies to the Section 8 program). The following earned income exclusions apply to applicant families where the head of household and/or spouse has earned income from either full-time or part-time employment. These exclusions may only be applied to applicants for the purpose of determining program eligibility under the rent burden category. The exclusions are:

- Payroll deductions for federal and state taxes.
- Reasonable, non-reimbursable, documented childcare expenses that enable the family member(s) to remain employed.
- Documented health insurance premium costs.
- These exclusions are for determining rent burden only. Total family contribution will be determined in accordance with HUD regulations.

"Rent" is defined as:

1. The actual amount due under a lease or occupancy agreement between a family and the family's current landlord (calculated on a monthly basis), plus
2. The monthly amount of the tenant-supplied utilities, which can be either:
 - a. The RAA's reasonable estimate of the cost of such utilities using the PHA's current utility allowances; or
 - b. The average monthly payment actually made for these utilities in the most recent 12-month period.

If the applicant is unable to provide utility bills for a 12-month period the PHA will use its current utility allowance schedule to complete the rent calculation.

Fuel assistance payments or allowances for heating assistance that a family receives from the Department of Health and Human Services' Low-Income Home Energy Assistance Program are not added to the family's gross income or subtracted from their utility costs.

If an applicant owns a mobile home but rents the space upon which it is located, then rent must include, in addition to the space rental, the monthly payment being made to amortize the purchase price of the home.

Members of a cooperative are "renters" for the purpose of qualifying for this preference. In this case, rent would mean the charges under the occupancy agreement.

To calculate the rent burden of an applicant living in a group home, only the amount paid for rent and utilities may be used to calculate the rent burden. Any payments the applicant makes for other services such as meals, etc., are not considered "rent" and may not be used in determining the rent burden.

Verification Requirements for Preference: Rent Burden

Income must be verified in accordance with existing agency standards and procedures used to verify family income to determine eligibility.

Amounts due under a lease or occupancy agreement must be verified by requiring the family to furnish copies of rent receipts, canceled checks, money order receipts, or a copy of a current lease, or by contacting the owner directly.

For applicants who are not the primary tenant, or are not listed on the lease or rental agreement as a co-renter, the only acceptable verification will be canceled checks or money order receipts.

Amounts paid to amortize the purchase price of a mobile home must be verified by requiring the applicant to furnish copies of payment receipts, or a copy of a current purchase agreement, or by contacting the lien holder directly.

Amounts paid for utilities must be verified by requiring the applicant to provide copies of appropriate bills or receipts for a 12-month period. If verification for this period is not available, the agency should use its own utility allowances to determine whether or not the applicant's gross rent exceeds 50% of income.

At selection, applicants must verify that they have been paying rent that is 50% or greater of gross income (with exclusions listed above) for at least 90 days immediately prior to selection from the waiting list and continuing through the verification of preference.

Generally, a PHA should average the family's income for that 90-day period; but is encouraged to use the method that would most benefit the applicant.

Preference Retention

The PHA will determine the eligibility of an applicant receiving rental assistance under the following programs based on the situation of the applicant at the time the applicant began to receive such assistance. The applicant must be able to verify their housing situation prior to receiving the subsidy.

DHCD will permit a family assisted under any of the following programs to retain its prior preference situation for eligibility purposes:

- The HOPWA program
- The Homelessness Prevention Program (HPP) administered by the AIDS Action Committee
- The DHCD and non-DHCD Shelter Plus Care (S+C) programs
- The DHCD Moving to Work (MTW) program
- The DHCD Mod Rehab SRO program

Income Targeting Requirement [24 CFR 982.201(b) (2)]

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during the PHA's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, a PHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b) (2) (v)].

PHA Policy

The PHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

Order of Selection

The PHA system of preferences may select families either according to the date and time of application, or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list PHAs are required to use targeted funding to assist only those families who meet the specified criteria, and PHAs are not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

PHA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with the PHA's hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the PHA

Selection Method for New Allocations of Fair Share HCVP Vouchers Received After 1/1/2000

All new non-targeted HCVs for which DHCD receives an annual contributions contract after 1/1/2000 will be issued to eligible applicants selected from the statewide waiting list by date and time and without regard to the regional residency preference.

Effect of Selection on the waiting status for other programs

An applicant may be on several different HCV waiting lists, e.g., FUP, Mainstream, etc but may be processed only for one program at a time. When an applicant is sent a selection letter for any program, they must complete the intake process for that program before they may be selected from a different HCV program waiting list. To ensure that an applicant is not selected under more than one program at a time, the admissions tracking system does not recognize the "waiting" status of an applicant under any other program once they have been selected and are active in the admissions process. When an applicant successfully completes the admission process by leasing a unit under any DHCD Section 8 program, the tracking system automatically removes their name from the waiting list for all other programs that they have applied for.

Treatment of Single (one-person household) Applicants

An applicant's status may change while they are on the waiting list. Households with only one member that have not self-identified as being elderly or a person with disabilities must be selected in order to determine if their situation has changed. If an applicant does not qualify for the singles preference, they shall be denied admission and removed from the waiting list. The PHA selection letter must include a statement that addresses the implications of being a one-member household that is not elderly or a person with a disability upon program eligibility. (See above, Local Preferences, Single Applicants page 4-16

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, the PHA must notify the family.

PHA Policy

The PHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Other documents and information that should be brought to the interview

If the PHA does not conduct application interviews the letter will inform the family of the alternate application procedure which is typically conducted by mail.

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

PHA Policy

PHAs are strongly encouraged to conduct eligibility interviews for families selected from the waiting list and recommends the following procedure. PHAs that choose not to hold in-person interviews must provide detailed information regarding their eligibility process in the selection letter.

If the PHA conducts eligibility interviews, families selected from the waiting list are required to participate.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper

documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 15 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan. Subcontractors with bi-lingual staff are encouraged to offer interviews in another language, either routinely, or upon special request.

If the family is unable to attend a scheduled interview, the family should contact the PHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the PHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without PHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information, the PHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted admission, or selection preference that affected the order in which the family was selected from the waiting list.

PHA Policy

If the PHA determines that the family is ineligible, the PHA will send written notification of the ineligibility determination within 15 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. The PHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If the PHA determines that the family is eligible to receive assistance, the PHA will invite the family to attend a briefing in accordance with the policies in Chapter 5.